

REMARKS/ARGUMENTS

Reconsideration and allowance of the above-referenced application are respectfully requested.

Claims 1 and 5 have been amended.

Rejection of Claims 1, 5 and 6 Under 35 U.S.C. 112, First Paragraph

The Examiner has rejected claims 1, 5 and 6 under Section 112, first paragraph as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventors, at the time the application was filed, had possession of the claimed invention.

In particular, the Examiner alleges that Applicants' disclosure fails to provide adequate written support for the invention as broadly claimed.

In response, Applicants submit that the Examiner's concerns have been adequately addressed by the amendments noted above. Thus, it is respectfully requested that the rejection be withdrawn.

Rejection of Claims 1, 5 and 6 Under 35 U.S.C. 102(b)

The Examiner has rejected claims 1, 5, and 6 under Section 102(b) as being clearly anticipated by Paoletti et al. (U.S. Patent No. 5,762,938).

In particular, the Examiner alleges that Paoletti et al. clearly teach a recombinant poxvirus vector comprising an isolated nucleotide sequence having 94.6% identity with instant SEQ ID NO:1.

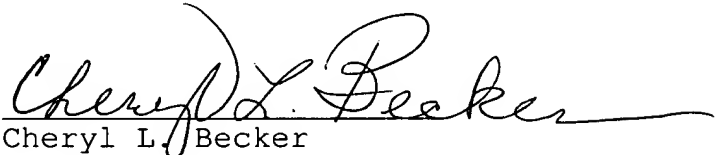
In response, Applicant's submit that Paoletti et al. do not disclose the sequence recited in amended claim 1 (or claims 5 and 6, as the limitations of claim 1 have been

incorporated into claims 5 and 6 by dependency). Thus, it is submitted that Paoletti et al. do not anticipate the claimed invention. Thus, the Section 102(b) rejection has been overcome and should be withdrawn accordingly.

It is submitted that the subject application is in condition of allowance and Notice to that effect is respectfully requested.

Further, should the Examiner have any questions relating to the above, she is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Cheryl L. Becker", written over a horizontal line.

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